

Edward O.C. Ord, Esq. (SBN 52123)
Ord & Norman
233 Sansome Street, Suite 1111
San Francisco, CA 94104
Telephone: (415) 274-3800
Facsimile: (415) 274-3838

Attorney for Defendants
Charles Hsin and Optech Limited

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

Civil No. 07-4762-PJH

v.

CHARLES CATHCART, SCOTT
CATHCART, YURIJ DEBEVC, a/k/a
YURI DEBEVC, ROBERT NAGY,
DERIVUM CAPITAL (USA), INC.,
VERIDIA SOLUTIONS, OPTECH
LIMITED, CHIHSIU HSIN, a/k/a
CHARLES HSIN, FRANKLIN
THOMASON

**DEFENDANTS HSIN AND
OPTECH LIMITED'S
ADMINISTRATIVE MOTION
PURSUANT TO LOCAL RULE 7-
11 FOR EXTENSION OF TIME
TO ANSWER PLAINTIFF'S
COMPLAINT**

Defendants.

Pursuant to Local Rule 7-11, Defendants Charles Hsin and Optech Limited, ("Defendants") hereby apply to the Court for an Order extending Defendants Charles Hsin and Optech Limited's time to answer or otherwise respond to Plaintiff's complaint as allowed under FRCP 6(b). Defendants' response to Plaintiff's complaint is currently due on June 30, 2008, which takes into account a stipulated extension previously agreed to by the parties. Due to an unusual set of circumstances set out in the joint declaration below, Defendants seek a further

1 extension of time until July 15, 2008, to answer or otherwise respond to
2 Plaintiff's Complaint.

3 Per FRCP 6(b), the "good cause" for this application is as follows. Under
4 penalty of perjury, the undersigned counsel states:

5 1. Counsel continues to operate on limited authority to seek an extension of
6 time only, and the clients are waiting for a conflicts clearance and these letters.

7 2. Ethics counsel was on vacation. However, ethics counsel has requested and
8 is now waiting for additional facts and information. Ethics counsel's request
9 includes the creation of new documents and not merely providing information
10 and/or documents currently in our files. Ethics counsel cannot give a time or an
11 answer on the waiver until he receives this information and evidence and
12 considers all of it. Some information has been provided while the balance is
13 currently in the process of being finalized and will be delivered to the ethics
14 counsel by this week. There will not be enough time to allow Counsel to prepare
15 answers (including affirmative defenses) and/or motions under the limited
16 authority counsel has been given due to conflicts.

17 3. The extension is being sought on the basis stated in ¶2 and not for any
18 other stated or unstated purpose.

19 4. Counsel made a good faith effort to resolve the possible conflicts issues to
20 enable a filing by the previously stipulated extension of June 30 but was
21 unsuccessful.

22 5. We cannot commit to any limit as we are not qualified, and any new
23 counsel may need additional time. This tax injunction case is very complex and
24 eventual counsel of record may prepare and file motions prior to filing any
25 answer.

26 6. The current situation will prejudice the moving Defendants with respect to
27 any motions and answers.
28

1 7. There is another individual defendant, Franklin Thomason that, to my
2 knowledge, has not been served. The undersigned may be in a position to
3 represent Mr. Thomason and we are awaiting a response. If this effort is
4 successful, in the long run, time of all involved will be saved by having the
5 undersigned represent all three defendants.

6 8. Defendants were unable to reach an agreement as to an extension of time to
7 July 15 with Plaintiff's counsel. The reasons as to why an agreement was unable
8 to be reached are contained in the Declaration of Jenny Lin-Alva ("Lin-Alva
9 Decl.") filed jointly with this motion.

10 9. We reply here to some points

11 a. The fact that government counsel suggests that she would not have
12 agreed had she known that ethics counsel would be on vacation appears irrelevant
13 as Defendants had compelling grounds for requesting an extension.

14 b. Ethics counsel has returned and has been working on the matter. He
15 needs more time, records, information, etc. *See* Lin-Alva Decl., ¶ 4.

16 c. Government counsel seems concerned about the extension and
17 discovery deadlines. This appears not to be a valid concern. When the
18 Defendants entered the case and then they are told discovery is about to close, the
19 Court would grant an extension so the new Defendants can exercise their
20 discovery rights. On one other defendant, we are seeking to represent, there has
21 been no return of service. Finally, the U.S. created the time pressure by electing
22 to join the Defendants very late in the proceeding. The new Defendants should
23 not be deprived of more time based on the Government's self-created time
24 compression.

25 10. It is the understanding of this office that Plaintiff intends to file an
26 opposition to this motion.

27

28

1 11. Undersigned counsel hereby certifies that this application is made in good
2 faith and for good cause.

3 WHEREFORE, THE MOVING DEFENDANTS RESPECTFULLY
4 REQUEST THE COURT TO GRANT THE REQUESTED EXTENSION TO
5 JULY 15, 2008.

6 I declare under penalty of perjury that the foregoing is true and correct.
7 Executed on June 24, 2008

8
9 ORD & NORMAN

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11 By /s/ Edward O.C. Ord
12 Edward O.C. Ord, Esq.
13 Attorney for Defendants
Charles Hsin and Optech Limited

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CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Joseph P. Russoniello
United States Attorney
Thomas Moore
Assistant United States Attorney
Chief, Tax Division
9th Floor Federal Building
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Attorney for Plaintiff

Allyson B. Baker
Trial Attorney, Tax Division
U.S. Department of Justice
Post Office Box 7238
Ben Franklin Station
Washington, D.C. 20044
(allyson.b.baker@usdoj.gov)
Attorney for Plaintiff

HUONG T. BAILIE
Special Trial Attorney
160 Spear Street, 9th Floor
San Francisco, California 94105
Attorney for Plaintiff

ERIC L. WEBB
BARTSCH & WEBB
317 Rosecrans Avenue
Manhattan Beach, California 90069
(ewebb@elwlaw.com)
Attorney for Defendant Charles Cathcart

Farley J. Neuman (fneuman@jgn.com)
Tom Prountzos (tpountzos@jgn.com)
Jenkins Goodma Neuman & Hamilton LLP
417 Montgomery Street, 10th Floor
San Francisco, California 94104
Attorneys for Defendant, Robert Nagy

David Bujannoff Porter, Jr. (porter@woodporter.com)
Wood & Porter
333 Sacramento Street
San Francisco, California 94111
Attorney for Defendant Scott Cathcart

I further certify that on June 20, 2008, service of the foregoing was made upon the following by depositing a copy in the United States mail, postage prepaid:

Yuri Debevc (*pro se*)
1483 Burningtree Road
Charleston, SC 29412

/s/ Edward O. Ord
EDWARD O. ORD